

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 L-03 H-03 JUSE-00 SCA-01 CIAE-00

DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00 PM-07

INR-10 PA-04 RSC-01 PRS-01 SP-03 TRSE-00 SAJ-01 SS-20

NSC-07 DRC-01 /088 W

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FM USMISSION BERLIN

TO SECSTATE WASHDC IMMEDIATE 3448

AMEMBASSY BONN IMMEDIATE

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L BERLIN 897

E.O. 11652: GDS

TAGS: PINT, PFOR, WB, GW

SUBJECT: BRUECKMANN CASE

REF: A. BERLIN 885

B. STATE 111495

C. STATE 111347

1. WE HAVE BEEN IN TOUCH WITH BRITISH AND FRENCH MISSIONS
HERE IN REGARD TO SENAT COURSE OF ACTION (REF A); BOTH
OF THEM BELIEVE SENAT'S INTERVENTION OFFERS FELICITOUS
WAY OF RESOLVING EMBARRASSING POLITICAL ASPECTS OF
BRUECKMANN CASE WITHOUT FURTHER CONFRONTATION WITH
ALLIES OVER VALIDITY OR APPLICABILITY IN BERLIN OF
CONSTITUTIONAL COURT'S DECISION. THEY ALSO FEEL, AS WE
DO, THAT RECORD ON EXERCISE OF ALLIED RESPONSIBILITIES
IS ADEQUATE TO MEET ANY SOVIET COMPLAINTS AND HAS
BEEN USEFULLY REINFORCED BY DELIVERY MAY 29 TO
OFFICE OF SENATOR FOR JUSTICE OF RESPONSE TO
KAMMERGERICHT'S INQUIRY (REF C).

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2. IT WAS, IN ANY EVENT, TOO LATE TO STOP DELIVERY OF SENAT PETITION, WHICH WE DISCOVERED WAS SENT TO COURT WITHIN THE HOUR ALLIES WERE INFORMED MAY 28, AND WAS SIMULTANEOUSLY ANNOUNCED TO PRESS, WHICH HEAVILY PUBLICIZED IT MORNING MAY 29. STORIES INDICATED SENATOR FOR JUSTICE FORESAW TRIAL BEFORE WEST BERLIN COURT SHORTLY, (THERE BEING NO BAIL SYSTEM, BBRUECKMANN IS EXPECTED TO REMAIN IN JAIL PENDING TRIAL.)

3. GOVERNING MAYOR SCHUETZ CONSULTED WITH COMMANDANTS AND DEPUTY COMMANDANTS ON THIS MATTER MAY 28. SCHUETZ SAID THAT BASIC REASON FOR SENAT'S DECISION WAS JUDGEMENT THAT IN POST-GUILLAUME ATMOSPHERE IT WAS POLITICALLY IMPOSSIBLE TO TURN GIRL OVER TO GDR. STRASBOURG HUMAN RIGHTS COMMISSION DECISION TO REVIEW EXTRADITION ORDER SEEMED TO OFFER GOOD OPPORTUNITY FOR SENAT TO GET OFF HOOK WITHOUT BASING ITS ACTION IN ANY WAY UPON FEDERAL CONSTITUTIONAL COURT ACTION. COMMENT: WE HAVE STRESSED THROUGHOUT AFFAIR THAT BASIC QUESTION OF WHETHER GIRL SHOULD BE RETURNED TO GDR OR SHOULD BE DEALT WITH IN SOME OTHER WAY WAS ONE FOR GERMAN COURTS AND OFFICIALS TO MAKE--PROVIDED THAT ALLIED RESERVATION ON KARLSRUHE COURT WITH ITS QA IMPLICATIONS WAS NOT VIOLATED. SENAT DID NOT CONSIDER THEREFORE, THAT IT REQUIRED ALLIED CLEARANCE TO TAKE ACTION IT DID.

4. BERLIN MISSIONS ARE AGREED THAT FORMAL ALLIED VIEWS HAVING BEEN DELIVERED TO KAMMERGERICHT PRIOR TO ITS ACTING ON PETITION. THERE IS LITTLE MORE THAT COULD BE USEFULLY DONE AT THIS JUNCTURE. KLEIN

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